

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

NICHOLAS LEE CLINE,

Petitioner,

v.

WARDEN,

Respondent.

CAUSE NO. 3:19-CV-1144-RLM-MGG

OPINION AND ORDER

Nicholas Lee Cline, a prisoner without a lawyer, filed an amended habeas corpus petition attempting to challenge the prison disciplinary hearing (WCC 19-07-003) in which a disciplinary hearing officer found him guilty of Battery in violation of Indiana Department of Correction offense B-212 on August 2, 2019. ECF 8. He lost 30 days earned credit time, but the punishment was suspended until January 29, 2020 and hadn't been imposed by the time he filed the amended habeas corpus petition.

A prison disciplinary action can only be challenged in a habeas corpus proceeding when it results in the lengthening of the duration of confinement. Hadley v. Holmes, 341 F.3d 661, 664 (7th Cir. 2003). Because the duration of his confinement wasn't lengthened as a result of this prison disciplinary proceeding, this case must be dismissed.

Mr. Cline doesn't need a certificate of appealability to appeal this decision, because he is challenging a prison disciplinary proceeding. See Evans v. Circuit Court, 569 F.3d 665, 666 (7th Cir. 2009). But he can't proceed in forma pauperis

on appeal because, under 28 U.S.C. § 1915(a)(3), an appeal in this case could not be taken in good faith. Nevertheless, if he files a notice of appeal, he may ask the United States Court of Appeals for leave to proceed in forma pauperis by filing a motion with the Circuit Court along with a copy of this order showing that he was denied leave to proceed in forma pauperis by the District Court.

For these reasons, the court:

(1) DENIES the habeas corpus petition pursuant to Section 2254 Habeas Corpus Rule 4;

(2) DIRECTS the clerk to enter judgment; and

(3) DENIES the Petitioner leave to proceed in forma pauperis on appeal.

SO ORDERED on August 19, 2020

s/ Robert L. Miller, Jr.  
JUDGE  
UNITED STATES DISTRICT COURT